IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.15793 of 2005

Date of Decision: 15.1.2007

Amita Rani .....Petitioner

Versus

Secretary, Social Security & others .....Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.YM Bhagirath, Advocate
for the petitioner.

Mr.BS Chahal, AAG Punjab.

Mr.Sonia G.Singh, Advocate for respondent No.6.

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J.S.KHEHAR, J.(Oral)

The petitioners' appointment as an Anganwari Worker was withdrawn through the impugned order dated 15.9.2005 (Annexure P5). The appointment order issued in favour of the petitioner was withdrawn allegedly on account of the fact that the same had been passed in violation of the instructions / rules issued by the Department from time to time.

It is the vehement contention of the learned counsel for the petitioner that the impugned order dated 15.9.2005 (Annexure P5) has adverse civil consequences and that the same could not have been passed without following the rules of natural justice. In this behalf, it is pointed out that neither any show cause notice was issued to the petitioner, nor the petitioner was afforded an opportunity of hearing to defend herself before the impugned order was passed.

In order to authenticate the factual position indicated in the impugned order dated 15.9.2005, learned counsel for the respondents have

invited our attention to the enquiry report appended to the joint written statement filed by respondents 1,2 and 4 as Annexure R1. After perusing Annexure R1, we required learned counsel for the respondents to inform us, whether or not, any show cause notice was issued to the petitioner, and whether, the petitioner was afforded an opportunity of hearing before the impugned order dated 15.9.2005 (Annexure P5) was passed.

Learned counsel for the respondents acknowledged that neither any show cause notice was issued to the petitioner, nor any opportunity of hearing was afforded to her before order dated 15.9.2005 was passed. In this behalf, learned counsel invited our attention to para 1 of the preliminary objections (in the joint written statement filed on behalf of respondents 1, 2 and 4) where this factual position is impliedly acknowledged.

Since it is conceded at the hands of the respondents that before passing the impugned order dated 15.9.2005, which admittedly attracts adverse civil consequences qua the petitioner, the rules of natural justice were not followed. We are, therefore, satisfied that the impugned order deserves to be set aside. The same is accordingly set aside. It will, however, be open to the respondents, if they be so advised, to pass a fresh order, in accordance with law.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

January 15, 2007
SRM